

CHAPTER 10

PLANNED UNIT DEVELOPMENT

(Ord. 198, Adopted 7/21/14, Effective 8/24/14)

SECTION:

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10-10-1: PURPOSE: The Section is established to provide comprehensive procedures and standards to allow for the mixing of uses and flexibility from the general performance standards to allow for more innovative and efficient design for the development of neighborhoods or areas. The PUD process by allowing flexibility from the strict provisions of this Ordinance related to setbacks, heights, lot area, width, depth, yards, and other equivalent performance standards by rezoning to a PUD District (or as a conditional use when applicable) is intended to encourage:

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and siting of structures and by the conservation and more efficient use of land in such developments.
- B. Higher standards of site and building design through the use of trained and experienced land planners, architects and landscape architects.
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as existing vegetation, natural topography and geologic features and the prevention of soil erosion.
- E. A creative use of land and related physical development which allows a phased and orderly transition of land from activity to another.
- F. An efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.

- G. A development pattern in harmony with the objectives of the Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principals.)
- H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- I. That the flexibilities granted through the PUD process for the development produce a clear and identified benefit to the City that would not have been achievable following the standard zoning procedure.

10-10-2: GENERAL REQUIREMENTS AND STANDARDS:

- A. **Ownership.** An application for PUD must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.
- B. **Comprehensive Plan Consistency.** The proposed PUD shall be consistent with the City Comprehensive Plan.
- C. **Compatibility.** The proposed PUD shall be compatible with the adjacent land uses.
- D. **Common Open Space.** Common open space at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents/users of the PUD shall be provided within the area of the PUD development.
- E. **Operating and Maintenance Requirements for PUD Common Open Space/Facilities.** Whenever common open space or service facilities are provided within the PUD, the PUD Plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a pre-determined reasonable standard. Common open space and service facilities within a PUD may be placed under the ownership of one or more of the following, as approved by the City:
 - 1. Dedicated to public, where a community-wide use is anticipated and the City agrees to accept the dedication.
 - 2. Landlord control, where only use by tenants is anticipated.

3. Property Owners Association, provided all of the following conditions are met:
 - a. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts or common area, a declaration of covenants, conditions and restrictions or an equivalent document or document such as specified by Laws 1963, Section 457, Section 11 and a set of floor plans such as specified by Laws 1963, Section 457, Section 13 shall be filed with the City, said filing with the City to be made prior to the filings of said declaration or document or floor plans with the recording officers of the County.
 - b. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject said properties to the terms of said declaration.
 - c. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control.
 - d. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and in the event the City incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its prorated share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.
 - e. Membership must be mandatory for each owner and all successors or assigns.
 - f. The open space restrictions must be permanent and not for a given period of years.

- g. The Association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it.
 - h. Property owners must pay a prorated share of the cost of the Association by means of an assessment to be levied by the Association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
 - i. The Association must be able to adjust the assessment to meet changed needs.
 - j. The by-laws and rules of the Association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.
- F. Staging of Public and Common Open Space. When a PUD provides for common or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
- G. Density. The maximum allowable density in a PUD zoning district shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases, the negotiated standards shall be consistent with the development policies as contained in the Comprehensive Plan. Whenever a PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred (100) percent of the proposed residential density of the entire PUD. A PUD by conditional use permit must comply with the applicable base zoning district.
- H. Utilities. In any PUD, all utilities, including telephone, electricity, gas and cable shall be installed underground, unless approved specifically by the City Council.
- I. Utility Connections. The following requirements must be met with regards to utility connections.
- 1. Water Connections. Where more than one (1) property is served from the same service line, individual unit shut off valves shall be provided as required by the City.
 - 2. Sewer Connections. Where more than one (1) unit is served by a sanitary sewer lateral which exceeds three hundred (300) feet in length, provision

must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.

- J. Roadways. All streets shall conform to the design standards contained in the Subdivision Chapter of the City Code, unless otherwise approved by the City.
- K. Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the City, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the City shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.
- L. Urban/Rural Servicing Requirements. All development shall be carefully phased so as to ensure that all developable land will be accorded a present vested right to develop at such time as services and facilities are available. Lands which have the necessary available municipal facilities and services may be granted approval in accordance with existing City Code provisions and development techniques. Lands which lack the available public facilities and services may be granted approval for development, provided that all applicable provisions of this Chapter, the City Code, and State Regulations are complied with.
- M. Setbacks.
 - 1. Site Perimeter Setbacks:
 - a. For commercial and industrial development, the perimeter setback shall be 30 feet to property zoned for single family residential uses. To all other uses the perimeter setback shall be determined as deemed appropriate by the City based on the nature of the proposed use and the adjacent uses.
 - b. For all other uses, the perimeter setback shall be the same as the setback on adjacent property.
 - 2. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street system.
 - 3. No building within the project shall be nearer to another building than 12 feet.
- N. Minimum Lot Size. The minimum lot size for a Planned Unit Development is one (1) acre.

10-10-3: SUBMISSION REQUIREMENTS. Five (5) large scale copies and thirteen (13) reduced scale (not less than 11" x 17") copies of the following exhibits, analysis and plans shall be submitted to the City during the PUD process, at the times specified in Sections 3 or 4 of this Chapter, as applicable. If, in the opinion of the Zoning Administrator, reduced scale drawings (11" x 17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility.

A. General Concept Stage:

1. General Information:

- a. The landowner's name and address and their interest in the subject property.
- b. The applicant's name and address if different from the landowner.
- c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer, and surveyor.
- d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidences as the City Attorney may require to show the status of title or control of the subject property.

2. Present Status:

- a. The address and legal description of the subject property.
- b. The existing zoning classification and present use of the subject property and all lands within one thousand (1,000) feet of the subject property.
- c. A map depicting the existing development of the subject property and all land within one thousand (1,000) feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred (100) feet of the subject property.

3. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its

relationship to the Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.

4. Site Conditions. Graphic reproductions of the existing site conditions at a scale of one hundred (100) feet.
 - a. Contours - minimum one-half ($\frac{1}{2}$) foot intervals.
 - b. Location, type and extent of tree cover.
 - c. Slope analysis.
 - d. Location and extent of water bodies, wetlands and streams and floodplains within three hundred (300) feet of the subject property.
 - e. Significant rock outcroppings.
 - f. Existing drainage patterns.
 - g. Vistas and significant views.
 - h. Soil conditions as they affect development.

All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.

5. Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, public and common open space, and internal and surrounding land uses.
6. Schematic drawing of resubdivision plans for the proposed development, if any, in the event of sanitary sewer availability.
7. A statement of the estimated density/intensity of use proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - a. Area devoted to uses.
 - b. Area devoted to use by building type.
 - c. Area devoted to common open space.
 - d. Area devoted to public open space.
 - e. Approximate area devoted to streets.
 - f. Approximate area devoted to, and number of, off-street parking and loading spaces and related access.
8. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and

dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.

9. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
 10. General intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
 11. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
 12. The Zoning Administrator may excuse an applicant from submitting any specific item of information or document required in this stage, which is determined to be unnecessary to the consideration of the specific proposal for PUD approval.
 13. The Zoning Administrator may require the submission of any additional information or documentation which is determined to be necessary or appropriate for full consideration of the proposed PUD or any aspect or stage thereof.
- B. Development Stage. Development stage submissions should depict and outline the proposed implementation of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:
1. Zoning classification required for development stage submission and any other public decisions necessary for implementation of the proposed plan.
 2. Five (5) sets of preliminary plans, drawn to a scale of not less than one inch equals one hundred (100) feet or scale requested by the City and thirteen (13) reduced scale (not less than 11" x 17") copies containing at least the information specified in this section. If, in the opinion of the Zoning Administrator, reduced scale drawings (11" x 17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility.
 - a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in the County).

- b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
 - c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, and existing buildings which will remain, if any.
 - d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all elements.
 - e. Location, designation and total area of all common open space.
 - f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
 - g. Proposed lots and blocks, if any, and numbering system.
 - h. Proposed re-subdivision plan, if any, upon availability of sanitary sewer service.
 - i. The location, use and size of structures and other land uses on adjacent properties.
 - j. Detailed sketches and provisions of proposed landscaping.
 - k. General grading and drainage plans for the developed PUD.
 - l. Any other information that may have been required by the City in conjunction with the approval of the general concept plan.
- 3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought.
 - 4. A tabulation indicating the number of residential dwelling units and expected population.
 - 5. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).

6. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings, including mobile homes.
 7. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights-of-way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, structure, including mobile homes and uses.
 8. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan shall clearly reflect the site treatment and its conformance with the approved concept plan.
 9. A preliminary plat prepared in accordance with the Subdivision Section of the City Code.
 10. A Soil Erosion Control Plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.
 11. A statement summarizing all changes which have been made in any document, plan, data or information previously submitted, together with revised copies of any such document, plan or data.
 12. Such other and further information as the Zoning Administrator shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
 13. The Zoning Administrator may excuse an applicant from submitting any specific item of information or document required in this Section if it is found to be unnecessary to the consideration of the specific proposal for PUD approval.
- C. Final Plan Stage. After approval of a general concept plan for the PUD and approval of a development stage plan for a section of the proposed PUD, the applicant shall submit the following material for review by the City prior to issuance of a building permit.
1. Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
 2. All certificates, seals and signatures required for the dedication of land and recording of documents.

3. Final architectural working drawings of all structures.
4. A final plat and final engineering plans and specifications for streets, utilities and other public improvements, together with a City/Applicant Agreement for the installation of such improvements and financial guarantees for the completion of such improvements.
5. Re-subdivision plan, if any, upon availability of sanitary sewer service.
6. Any other plan, agreements, or specifications necessary for the City to review the proposed construction. All work must be in conformance with the Minnesota State Uniform Building Code.

10-10-4: PROCEDURE FOR PROCESSING A PLANNED UNIT DEVELOPMENT:

- A. Reserved.
- B. Application Conference. Prior to filing of an application for PUD, the applicant of the proposed PUD is encouraged to arrange for and attend a conference with the Zoning Administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Section before incurring substantial expense in the preparation of plans, surveys and other data.
- C. General Concept Plan.
 1. Purpose. The General Concept Plan provides an opportunity for the applicant to submit a plan to the City showing the basic intent and the general nature of the entire development without incurring substantial cost. The following elements of the proposed general concept plan represents the immediately significant elements for City review and comment.
 - a. Overall maximum PUD density/intensity range.
 - b. General location of major streets and pedestrian ways.
 - c. General location and extent of public and common open space.
 - d. General location of residential and non-residential land uses with approximate type and intensities of development.
 - e. Staging and time schedule of development.

- f. Other special criteria for development.
2. Schedule:
 - a. The applicant shall file the concept stage application, together with all supporting data and filing fee as established by City Council resolution.
 - b. Within fifteen (15) working days after verification by the City that the application and required supportive material is completed and adequate, the request shall be processed in accordance with the applicable procedures and schedule as defined by Section 3 or Section 4 of this Ordinance.
 3. Optional Submission of Development Stage Plan. In the case of single stage PUDs or where the first stage of a multiple stage PUD is to begin immediately, the applicant may initially submit development stage plans and supportive material. In such case, the City shall consider and act upon such plans according to the applicable provision of this Section.
 4. Effect of Concept Plan Approval. Unless the applicant shall fail to meet time schedules for filing Development Stage and Final Plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this Chapter or of any approval granted pursuant to it, a General Concept Plan which has been approved shall not be modified, revoked or otherwise impaired pending the application of Development Stage and Final Plans by any action of the City without the consent of the applicant.
 5. Limitation on General Concept Plan Approval. Unless a Development Stage Plan covering at least ten (10) dwelling units or the area designated in the General Concept Plan as the first stage of the PUD, whichever is greater, has been filed within six (6) months from the date City grants General Concept Plan approval, or in any case where the applicant fails to file Development Stage and Final Plans and to proceed with development in accordance with the provisions of this Chapter and of an approved General Concept Plan, the approval shall be null and void and shall lapse. Upon request by the applicant, the Council at its discretion may extend for additional periods not in excess of six (6) months each the filing deadline for any Development Stage Plan, when, for good cause shown, such extension is necessary.

D. Development Stage:

1. Purpose. The purpose of the Development Stage Plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the Council and with which substantial compliance is necessary for the preparation of the Final Plan.
2. Submission of Development Stage. Upon approval of the General Concept Plan, and within the time established in Section 10-10-4-C-5 of this Ordinance, the applicant shall file with the City a Development Stage Plan consisting of the information and submissions required by Section 10-10-4-B of this Ordinance for the entire PUD or for one or more stages thereof in accordance with a staging plan approved as part of the General Concept Plan. The Development Stage Plan shall refine, implement, and be in substantial conformity with the approved General Concept Plan.
3. Review and Action by City Staff and Planning Commission. Immediately upon receipt of a completed Development Stage Plan, said plan shall be referred to the following City staff and/or official bodies for the indicated action.
 - a. The City Attorney for legal review of all documents.
 - b. The City Engineer for review of all engineering data and the City/Developer Agreement.
 - c. The Building Official for review of all building plans.
 - d. The Zoning Administrator or designated agent for review of all plans for compliance with the intent, purpose and requirements of this Chapter and conformity with the General Concept Plan and Comprehensive Plan.
 - e. The Planning Commission for review and recommendation to the Council.
 - f. When appropriate, as determined by the Zoning Administrator to other special review agencies and governmental jurisdictions.
4. PUD Enactment. Final approval of a PUD conditional use permit or PUD zoning district map amendment shall be considered granted only at the time of Development Stage Plan approval by the City Council.
5. Limitation on Development Stage Plan Approval. Unless a Final Plan covering the area designated in the Development Stage Plan as the first stage of the PUD has been filed within six (6) months from the date City

Council grants Development Stage Plan approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with the provisions of this Chapter and/or an approved Development Stage Plan, the approval shall be null and void and shall expire. Upon application by the applicant, the City Council, at its discretion, may extend for not more than six (6) months, the filing deadline for any Final Plan when, for good cause shown, such extension is necessary.

7. Site Improvements. At any time following the approval of a Development Stage Plan by the City Council, and completion and execution of a PUD agreement governing the project, the applicant may, pursuant to the applicable City Code provisions apply for, and the City may issue, grading permits for the area within the PUD for which Development Stage Plan approval has been given. Securities as appropriate may be required of the applicant.

E. Final Plan:

1. Purpose. The Final Plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City Code provisions as the land use regulation application to the PUD. The Final Plan is intended only to add detail to, and to put in final form, the information contained in the Development Stage Plan and shall conform to the Development Stage Plan in all respects.
2. Schedule:
 - a. Upon approval of the Development Stage Plan, and within the time established in Section 10-10-4-D-5 of this Section, the applicant shall file with the City a Final Plan consisting of the information and submissions required in Subdivision D of this Section for the entire PUD or for one or more stages. This plan will be reviewed and approved or denied by City staff, subject to appeal.
 - b. Within thirty (30) days of its approval, the applicant shall cause the Final Plan, or such portions thereof as are appropriate, to be recorded with the County Recorder. The applicant shall provide the City with a signed copy verifying County recording within forty (40) days of the date of approval or the approval shall be null and void.
3. Building and Other Permits. Except as otherwise expressly provided herein, upon receiving notice from the City that the approved Final Plan

has been recorded and upon application of the applicant pursuant to the applicable City Code provisions, the City may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved Final Plan provided, however, that no such permit shall be issued unless the City is first satisfied that the requirements of all codes and City Code provisions in which are applicable to the permit sought, have been met.

4. **Limitation of Final Plan Approval.** Within one year after the approval of a Final Plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of this Chapter, and other City Code provisions, applicable in the district in which it is located. In such cases, the Council shall forthwith adopt an ordinance repealing the PUD and all PUD approvals and re-establishing the zoning and other City Code provisions that would otherwise be applicable. The time limit established may, at the discretion of the Council, be extended for not more than one year.
5. **Inspections During Development:**
 - a. **Compliance with Overall Plan.** Following Final Plan approval of a PUD, or a stage thereof, the City shall, at least annually until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.
 - b. If the City finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, the City shall either by ordinance revoke the PUD, and the land shall thereafter be governed by the regulations applicable in the district in which it is located; or shall take such steps as it shall deem necessary to compel compliance with the Final Plans as approved; or shall require the landowner or applicant to seek an amendment to the Final Plan.

10-10-5: PUD PROGRESS EVALUATION: If periodic review of a PUD project is included as a condition to the approval of a PUD, such a project shall be reviewed by the City Council. The Council may, at its discretion, call a public hearing as part of its review. Notice of such hearing shall be given in the same manner as outlined in Section 10-10-4 of this Ordinance.

10-10-6: AMENDMENT OF A PUD:

- A. Application Procedures. Any deviation or modification from the terms or conditions of an approved PUD permit or any alteration in a project for which a PUD has been approved shall require an amendment of the original development stage plan. The same application and hearing procedure for an amendment of a PUD shall be followed as was followed with respect to the applicant's initial request, as outlined in Section 10-10-4 of this Ordinance.
- B. Action by the Planning Commission and City Council.
 - 1. The same review procedure by the Planning Commission and City Council shall be followed for an amendment of a PUD permit as was followed with respect to the applicant's initial request, outlined in Section 10-10-4 of this Ordinance. The affirmative vote of four-fifths (4/5) of the full Council shall be required for approval of an amendment of a PUD.
 - 2. Amendments which are minor in nature and do not require amendments in the terms of a PUD Ordinance may be approved by resolution and approved by a simple majority of the Council.

10-10-7: GENERAL REQUIREMENTS:

- A. Records. The Zoning Administrator shall maintain a record of all PUDs including information on a project's permitted uses, all pertinent project plans, any conditions imposed on a project by the City Council, and such other information as the Zoning Administrator may deem appropriate.
- B. Withdrawal of an Application. Any application under this Section may be withdrawn by an applicant without prejudice at any time prior to final City Council action thereon.
- C. Financial Security to Assure Compliance. In order to insure that all improvements contained in a PUD are completed in accordance with said plan and to insure that an applicant fully complies with all conditions of a PUD permit, the applicant may be required to post a letter of credit guaranteeing the faithful performance of such work and compliance with such conditions. Such security shall be in a form satisfactory to the City, shall be in an amount established by

the City Council, and shall cover each segment or each phase of a PUD project. The amount of said security may be reduced or a portion of said bond may be released as specific segments of each phase of development have been completed, upon approval by the City Council.

- D. Conveyance of Property Within a PUD Project. In the event that any real property within an approved PUD project is conveyed in total or in part, the buyer(s) thereof shall be bound by all provisions of the PUD permit and the plan of development for that project. However, nothing in this Chapter shall be construed as to make such conveyed property non-conforming with regard to normal zoning standards as long as the conveyed property conforms with the approved PUD permit and the plan of development for a project.

10-10-8: PUD BY CONDITIONAL USE. Commercial and Industrial Planned Unit Developments may be approved as a Conditional Use Permit in all Commercial and Industrial Zoning Districts provided the only flexibilities being granted are from performance standards applicable in the underlying zoning district or to allow for the placement of more than one principal structure on a lot.